

**The Protect -
Democracy
Project**

Via ECF

May 23, 2019

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *PEN American Cntr., Inc. v. Trump*, 18 Civ. 9433 (LGS)

Dear Judge Schofield,

Plaintiff respectfully requests oral argument on defendant's motion to dismiss, ECF Nos. 45–46, pursuant to the Court's Individual Rule III.B.6. With the Court's permission, plaintiff would split the argument among two of its counsel: George Wang, a rising third-year student in the Yale Media Freedom & Information Access clinic,¹ and one of plaintiff's senior counsel.

Although the Court does not ordinarily conduct oral argument, an argument here may be particularly beneficial to the Court. Defendant's initial arguments in support of its motion are premised on a fundamental mischaracterization of the nature of plaintiff's legal claims. *See* ECF No. 48 at 1–3, 6–10. Contrary to defendant's assertion, plaintiff is not seeking redress for an assortment of defendant's isolated and past retaliatory acts, but for defendant's ongoing and cohesive scheme of censorship and retaliation. *See id.* Oral argument would permit the parties to address any questions the Court may have about the nature of plaintiff's claims and the applicable law, ensuring that the issues are joined and facilitating the Court's resolution of defendant's motion.

In addition, oral argument would provide Mr. Wang with both an invaluable opportunity to continue developing his skills as a litigator and an important credential. As the Court knows, oral arguments are rare and often allocated to those who have experience arguing. As a result, many young attorneys do not have an opportunity to argue in court for years after entering practice. An opportunity to argue defendant's motion would serve both to hone Mr. Wang's oral advocacy skills and, critically, give him the experience he needs to be considered for arguments when he enters practice.

Plaintiff's counsel has conferred with counsel for defendant, who has represented that the defendant takes no position on plaintiff's request.

¹ Mr. Wang's summer employer has confirmed that he will be permitted to argue and given time to prepare for an argument, if an argument is scheduled during his summer employment.

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Respectfully submitted,

By: /s/ Kristy Parker
Kristy Parker

Counsel for Plaintiff PEN American Center, Inc.

cc: All Counsel of Record (via ECF and email)